

PATENT
Atty Docket No. **KLAC0012**

PATENT

8 for
Refund
02-07-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Group Art Unit: 2878

CHRISTOPHER FAIRLEY, ET AL.

Examiner: Eric J. Spears

Title: CONFOCAL WAFER INSPECTION METHOD AND APPARATUS

Serial No.: 09/533,203

Filed: MARCH 23, 2000

LETTER – REQUEST FOR DEPOSIT ACCOUNT REFUND

PTO Office of Finance
Crystal Park 1
Suite 307
Arlington, VA 22202
Attn: Latrice Sims

Re: Deposit Account 502026

Ms. Sims:

Attorneys for Applicants in the above-entitled case were advised by personnel in the Deposit Account division to prepare and transmit this letter to your attention.

This is in regard to Smyrski & Livesay, LLP Deposit Account 502026, and particularly the two charges totaling \$558 dated September 4, 2002. A copy of the Monthly Statement for Deposit Account 502026 is attached as Exhibit A.

For U.S. Patent Application 09/533,203, prior to the amendment submitted on June 28, 2002, Applicants had paid for 33 total claims including 4 independent claims.

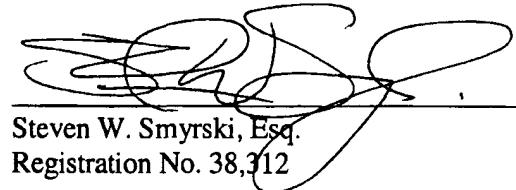
The June 28, 2002 amendment added 17 claims including 3 new independent claims, for a total of 50 claims with 7 independent.

All papers submitted with the June 28, 2002 amendment are reflected in the Certificate of Mailing, attached hereto as Exhibit B. The increase in number of claims was reflected in the Patent Application Fee Determination Record submitted with the June 28 amendment, Exhibit B hereto. The increase in claims resulted in an additional fee of \$558, shown in the Patent Application Fee Determination Record of Exhibit C. Applicants paid the additional \$558 claim fee by check on June 28, 2002. Exhibit D shows check 5085 in the amount of \$558 transmitted to the PTO on June 28, 2002. Also illustrated in Exhibit D is the return postcard received showing receipt of check 5085 by OIPE on July 8, 2002.

Applicants submit that they paid for all additional claims on June 28, 2002, and that the charge of \$558 on September 4, 2002 to Deposit Account 502026 was incorrect. Had it not been for this errant \$558 charge, the balance for Deposit Account 502026 would not have dropped below \$1000 and no Service Charge would apply. Applicants request full and immediate refund of the \$558 plus the \$25 Service Fee, a total of \$583, to Deposit Account 502026.

Should the PTO Office of Finance have any questions in this regard, it is requested that the Office of Finance contact the undersigned attorney, preferably by telephone, to discuss this matter and resolve any concerns.

Respectfully submitted,



Steven W. Smyrski, Esq.
Registration No. 38,312

Date: November 13, 2002

SMYRSKI & LIVESAY, LLP
3310 Airport Avenue, SW
Santa Monica, California 90405-6118
Phone: 310.397.9118
Fax: 310.397.9158

Exhibit A



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

MONTHLY STATEMENT
OF DEPOSIT ACCOUNT

To replenish your Deposit Account, detach and return top portion with your check. Make check payable to Commissioner of Patents & Trademarks.

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Account No.	502026
Date	9-30-02
Page	1

SMYRSKI & LIVESAY, LLP
STEVEN W SMYRSKI, ESQ.
3310 AIRPORT AVENUE, SW

SANTA MONICA CA 90405-6118

FINA

PLEASE SEND REMITTANCES TO:
Patent and Trademark Office
P.O. Box 70541
Chicago, Ill. 60673

DATE POSTED			CONTROL NO.	DESCRIPTION (Serial, Patent, TM, Order)	DOCKET NO.	FEE CODE	CHARGES/ CREDITS	BALANCE
MO.	DAY	YR.						
9	4	02	7	VLLAC12 09533203	81208/246268	103	306.00	993.00
9	4	02	8	VLLAC12 09533203	81208/246268	102	252.00	741.00
9	23	02	2	PCT/US01/51619		704	-252.00	993.00
9	30	02	385	SERVICE CHARGE		608	25.00	968.00
AN AMOUNT SUFFICIENT TO COVER ALL SERVICES REQUESTED MUST ALWAYS BE ON DEPOSIT.				OPENING BALANCE 1299.00	TOTAL CHARGES 583.00	TOTAL CREDITS 252.00	CLOSING BALANCE 968.00	

** O.D. INDICATES OVERDRAWN

Exhibit B

PATENT
Atty Docket KLAC0012

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of
CHRISTOPHER FAIRLEY, ET AL.
Title: CONFOCAL WAFER INSPECTION METHOD
AND APPARATUS
Serial No.: 09/533,203
Filed: MARCH 23, 2000

Group Art Unit: 2878

Examiner: Eric J. Spears

CERTIFICATE OF MAILING

Commissioner of Patents and Trademarks
Washington, DC 20231

Dear Sir:

I hereby certify that the following:

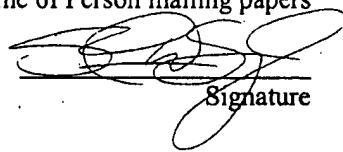
- Response to Office Action
- Petition for Extension of Time
- Check in the amount of \$110 for a one month extension of time
- Fee Determination Record
- Check in the amount of \$558 for additional claims
- Revocation of Power of Attorney, Change of Correspondence Address, and Statement under 37 C.F.R. 3.73(B)
- Return postcard

are being deposited with the United States Postal Service, postage paid first class, in an envelope addressed to:

Commissioner of Patents and Trademarks
Washington, DC 20231

6/28/2002
Date of Deposit

Steven W. Smyrski
Name of Person mailing papers



Signature

Exhibit C

Exhibit D

S.N. 09/533203 File No. KLA0012
Title: CONFOCAL WAFER INSPECTION METHOD & APP.
(Client Name) KLA - TEC/TEC

The following was received in the U.S. Patent Office on the date stamped hereon:

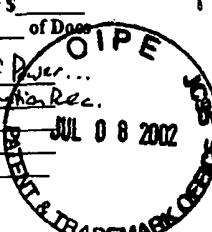
- Amendment
 Preliminary Amendment
 PCT Application Including:
Pps Spec. _____ Page Abstr. _____ Claims
Application for Patent Including:
Pps Spec. _____ Page Abstr. _____ Claims
Declaration, affidavit, oath (____ Page(s))
Assign: Check # _____ for \$ _____
Verified Statement
 Letter of Transmittal (Cert. of Mail)
Maintenance Fee Transmittal
Check No. 5084 for \$ 110.00
 Check No. 5085 for \$ 558.00
Check No. _____ for \$ _____

Mailed 6/28/02 By: SWS

S.N. 09/533203 File No. KLA0012 Date Mailed 6/28/02 By: SWS
Title: CONFOCAL WAFER INSPECTION METHOD & APP.
(Client Name) KLA - TEC/TEC

The following was received in the U.S. Patent and Trademark Office on the date stamped hereon:

- Amendment Drawings: # of Sheets _____
 Preliminary Amendment Formal Informal
 PCT Application Including: Issue Fee Transmittal
Pps Spec. _____ Page Abstr. _____ Claims _____ Letter re _____
Application for Patent Including: Notice of Appeal
Pps Spec. _____ Page Abstr. _____ Claims Petition for Ext. of Time
Declaration, affidavit, oath (____ Page(s)) Advance soft copy order
Assign: Check # _____ for \$ _____ Check # _____ for \$ _____
Verified Statement Certified Copy: # _____ of Does
 Letter of Transmittal (Cert. of Mail) IDS
Maintenance Fee Transmittal Revocation of Power...
Check No. 5084 for \$ 110.00 Fee Determination Rec.
 Check No. 5085 for \$ 558.00
Check No. _____ for \$ _____ JUL 08 2002



SMYRSKI & LIVESAY
SOUTHERN CALIFORNIA
3310 AIRPORT AVENUE, SW
SANTA MONICA, CALIFORNIA 90405-6118
310-397-9118

11-4288-1210

PAY
TO THE
ORDER OF

COMMISSIONER OF PATENTS

DATE

6/28/02

\$ 558.00

DOLLARS

MP

FIVE HUNDRED FIFTY EIGHT AND 00/100



Wells Fargo Bank, N.A.
California
www.wellsfargo.com

FOR KLA0012 ADDITIONAL CLAIMS

110050851-111210428821248343224711

5084

PAY
TO THE
ORDER OF

COMMISSIONER OF PATENTS

DATE

6/28/02

11-4288-1210

\$ 110.00

DOLLARS

MP

ONE HUNDRED TEN AND 00/100



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California
www.wellsfargo.com

FOR KLA0012 EXTENSION OF TIME

110050841-111210428821248343224711